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**REMARKS**

In response to the Office Action mailed August 7, 2003, Applicants respectfully request reconsideration of the above-identified application in view of the amendments and remarks presented herein.

Claims 12, 18 and 21 have been amended herein. Claims 25-33 have been added. Claims 12-16, 18-21 and 25-33 are pending in the instant application.

The claims were rejected under the judicially created doctrine of double patenting. Applicants enclose herewith a Terminal Disclaimer. Accordingly, reconsideration and withdrawal of the rejection are appropriate and respectfully requested.

Claims 12-16 were objected to because they depend from a withdrawn claim, specifically claim 2. Claim 12 has been amended to incorporate the subject matter of claim 2; the remainders of the claims depend on claim 12. Accordingly, reconsideration and withdrawal of the objections are proper and are hereby respectfully requested.

Claim 18-20 were rejected under 35 USC 112, second paragraph, because, according to the Office Action, the phrase "...derived from a Stachybotrys sp..." has an indefinite meaning; specifically, the Office Action indicated that the word "derived" could mean, *inter alia*, to isolate from or obtain from a source or, alternatively, to arrive at by reasoning, etc. These rejections are traversed based upon the amendment(s) to the claim(s). Applicants have amended claim 18 to delete the word "derive," and claims 19-20 are dependent upon claim 18. Accordingly, the rejection is rendered moot, and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 18-20 were rejected under 35 USC 112, second paragraph, because, according to the Office Action, the phrase "altered property" rendered the claim(s) indefinite. These rejections are traversed based upon the amendment(s) to the claim(s). Applicants have amended claim 18 to delete the phrase "altered property," and claims 19-20 are dependent upon claim 18. Accordingly, the rejection is rendered moot, and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 18-21 were rejected under 35 USC 112, second paragraph, because, according to the Office Action, the phrase "precursor phenol oxidizing enzyme" or "precursor enzyme" rendered the claim(s) indefinite. These rejections are traversed based upon the amendment(s) to the claim(s). Applicants have amended claims 18 and

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21 to delete "precursor;" claims 19-20 are dependent upon claim 18. As amended, the claims now refer to an enzyme, not the substrate of an enzyme, and one skilled in the art could interpret the metes and bounds of the claim(s) so as to determine how to avoid infringement (see, e.g., MPEP 2173 et seq.) Accordingly, reconsideration and withdrawal of the rejections are appropriate and respectfully requested.

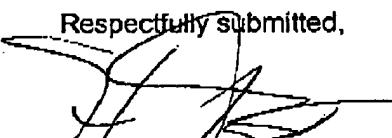
Claims 18-20 were rejected under 35 USC 112, second paragraph because, according to the Office Action, the metes and bounds of the phrase(s) "increased phenol oxidizing activity" and "increased pH optimum" are not clear to the Examiner. Specifically, the Office Action indicates that it is not clear how *much* of a change in activity or pH optimum would be required. These rejections are traversed.

One skilled in the art would be able to interpret the phrase(s) "increased phenol oxidizing activity" and "increased pH optimum," and neither the Examiner's determination of meaning as to either of these phrases nor the amount of increase, e.g., "how much" increase, is relevant. Rather, the inquiry is whether a person of ordinary skill in the art would be able to interpret the metes and bounds of the claim(s) so as to be able to determine how to avoid infringement (see, e.g., MPEP 2173 et seq.). Whether the metes and bounds are also clear to the Examiner is not relevant to the inquiry. Likewise, one skilled in the art would be able to determine that "increased" would mean, simply, more than than or greater; accordingly, the amount of an increase would not at all be relevant. Accordingly, reconsideration and withdrawal of the rejection is hereby respectfully requested.

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In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance and issuance of a formal Notice of Allowance is respectfully requested. Examiner Manjunath is invited to contact Applicants at (650) 846-7544 if there are additional questions/concerns.

Respectfully submitted,



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